



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,509	09/02/1999	YASUSHI MARUTA	P/1905-86	4093

7590

01/17/2003

STEVEN S. RUBIN, ESQ  
DICKESTEIN SHAPIRO MORIN & OSHINSKY LLP  
1177 AVENUE OF THE AMERICAS- 41ST FLOOR  
NEWYORK, NY 10036-2714

EXAMINER

WILLIAMS, DEMETRIA A

ART UNIT PAPER NUMBER

2631

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/388,509

Applicant(s)

MARUTA ET AL.

Examiner

Demetria A. Williams

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,10,12, and 13 is/are rejected.
- 7) ☒ Claim(s) 2,6,8,9,11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed October 31, 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. This IDS indicates a Japanese Office Action issued on April 9, 2002. However, a copy of this office action was not included with this IDS so it has not been considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2631

4. Claims 1, 3, 4, 7, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keskitalo et al ("Keskitalo") in view of Gordon.

5. Referring to claims 1 and 10, Keskitalo discloses an array antenna reception device comprising multiple antenna array elements (column 5, lines 60-61; figure 4, elements 400-404); a number of RF parts, functioning as the K adaptive receivers of the pending claim (column 5, lines 62-64; figure 4, elements 406-410), which receive signals from the antenna elements, said received signals having a gain in a desired signal direction (column 6, lines 43-46); and a means functioning as the signal synthesizer of the pending claim for weighting and synthesizing the demodulated signals (column 5, lines 66-67; column 6, lines 1-3; figure 4, elements 412-420) and outputting a demodulated signal.

Keskitalo does not specifically disclose the arrangement of the antennas. Gordon discloses an array antenna having a plurality of antenna elements arranged on each side of a polygon (see generally column 4, lines 14-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the antenna elements described by Keskitalo in a polygon arrangement as disclosed by Gordon, as arranging antenna elements in this type of configuration is well known in the art.

6. Referring to claims 3, 4 and 13, Keskitalo discloses that the best signal components of the received signal are searched for in such a way that the detected components can be combined and detected. Keskitalo further discloses that the metric used can be the signal power or the signal to noise ratio (column 5, lines 47-54). Thus it would have been obvious to one of ordinary skill in that art at the time of the invention to select components, as taught by Keskitalo, having the

Art Unit: 2631

maximum signal power or signal-to-noise (or interference) ratio because the stronger the signal, the easier it is to detect.

Regarding claim 7, Keskitalo discloses a despread means for receiving CDMA signals and despreading each signal using a desired spread code (column 7, lines 5-8), arrival direction estimation means for estimating an arrival direction from the output of the despread means (column 7, lines 13-15), antenna weight generation means for generating antenna weights and a weighting synthesizer for forming directional patterns from the antenna weights (column 6, lines 4-18), and a demodulator for estimating a transmission path (column 7, lines 14-35).

7. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keskitalo and Gordon in view of Asanuma et al ("Asanuma" hereinafter). Keskitalo and Gordon disclose all of the elements as described above in reference to claim 1, but do not disclose the use of maximum ratio synthesis in maximizing the signal to interference ratio. Asanuma discloses a receiver system whereby weighting coefficients are based on signal and interference powers. Asanuma further discloses that when maximum ratio synthesis is performed, a reception signal with a higher desired-undesired signal ratio can be obtained (column 3, lines 50-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Keskitalo to include the use of maximum ratio synthesis, as done by Asanuma in order to obtain a maximum ratio of signal power (desired) to interference power (undesired).

***Allowable Subject Matter***

8. Claims 2, 6, 8, 9, 11, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, prior art of record does not disclose that the directional pattern of each sector is formed outside of the polygon.

Regarding claims 6 and 14, prior art of record does not disclose the multiplication of a user determination symbol by a transmission path estimation value in order to cancel a phase change caused by phase lock of a carrier wave.

Claims 8 and 9 depend from claim 6 and thus contain the same allowable subject matter.

Regarding claim 11, prior art of record does not disclose the adaptive receivers acting to suppress interference.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 3-5, and 7 have been considered but are moot in view of the new ground(s) of rejection.

10. Regarding the IDS of April 3, 2001, a copy of the Japanese Office Action was not included. In order to have it as well as the cited references considered, a copy of the office action is requested.

Art Unit: 2631

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetria A. Williams whose telephone number is (703) 305-4078. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

daw  
January 12, 2003



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

1/13/03